THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.25602 of 2007

Between:

Chennareddy Sivamma.

.. PETITIONER

and

The Tahsildhar and another.

.. RESPONDENTS

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WRIT PETITION No.25602 of 2007

ORDER:

It is the case of the petitioner that after paying requisite fee she made an application before the 1st respondent on 26-02-2007 for surveying the land and fixing the boundaries in respect of the land admeasuring Ac.6-08 cents in Sy.No.32/3 situated at Akkacheruvupadu Village, Nellore Rural Mandal, Nellore District. It is stated that the said land originally belonged to one Bezawada Ramamma and the said land was purchased by the mother of the petitioner namely Nandyala Ramamma under the Agreement of Sale, dated 20-09-1969 and she was put in possession and the said sale transaction was also regularized under Section 5-A of A.P.Rights in Land and Pattadar Pass Book Act, 1971, by an order, dated 22-07-1996, after collecting requisite stamp fee and the registration charges. Thereafter, the pattadar pass book and title deed were also issued in favour of the mother of the petitioner and her name was also entered into 10 (1) Account. Her mother gifted the said land to the petitioner under registered Settlement Deed bearing Document No.15116/2003, dated 18-12-2003. It is stated that as the respondents are claiming portion of the said land, as if it belongs to the Government alleging that the Government poramboke land has been annexed by the petitioner, the petitioner wants to survey the land in question and, therefore, she filed an application before the 1st respondent on 26-02-2007. But, so far, the said application has not been disposed of.

Under Section 9 of A.P.Survey and Boundaries Act, 1923 (for short "the Act"), if there is no dispute with regard to the boundaries, it is open for the respondents to determine the undisputed boundaries of the land. However, if there is any dispute with regard to the boundaries, it is open for them to reject the same, in which case, the petitioner has to file an application before the Assistant Director of Survey and Land Records to determine the disputed boundaries under Section 10(1) of the Act.

Having regard to the facts and circumstances of the case, without expressing any opinion as to whether there is in any dispute with regard to the boundaries or not, the writ petition is disposed of directing the 1st

respondent to consider and dispose of the application of the petitioner dated 26-02-2007, in accordance with law, as expeditiously as possible, without any undue delay. There shall be no order as to costs.

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04-12-2007

Note:

Issue C.C. in one week

(B/o)

Prv